

SEP 21 2018

David J. Bradley, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL BISOR,

PETITIONER,

VS.

LORIE DAVIS, DIRECTOR
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE- INSTITUTIONAL DIVISION,

RESPONDENT.

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CIVIL ACTION# 4:17-CV-02283

PETITIONER REQUEST FOR REINSTATEMENT OF HIS
TITLE 28 U.S.C., SECTION 2254 FEDERAL
HABEAS CORPUS PROCEEDINGS

TO THE HONORABLE U.S. DISTRICT COURT JUDGE:

Now comes, Michael Bisor, hereafter styled as the, Petitioner, who is acting in good and conscious faith files this his aforesaid mentioned 'Request For [OUT-OF-TIME] Reinstatement Of His Title 28 U.S.C., Section 2254 Federal Habeas Corpus Proceedings'; And in support thereof, Petitioner will offer the following arguments and statements to-wit:

I.

FACTS:

The Petitioner, Michael Bisor, acting in a Pro-Se capacity with limited ability or knowledge of Civil or Criminal habeas corpus laws, filed an original copy of his federal habeas corpus petition pursuant to 'Title 28 U.S.C., §2254 [SEE:DOCKET ENTRY# 1]. Because Petitioner failed to sign his federal habeas petition, in response to that filing error, The U.S. District Clerk [For The Southern Division-Houston], on July 27th, 2017, notified Petitioner of 'Deficient Pleading' by advising Petitioner that he must submit one[1] signed copy of his federal habeas petition, including the fact that Petitioner must either pay \$5.00 dollar filing fee, or he may proceed 'IN FORMA PAUPERIS'[SEE: DOCKET ENTRY# 3].

The Petitioner on or about August 14Th,2017, instead of complying with The U.S. District Clerk's July 27Th,2017, notification letter, including rather than Petitioner paying the requested \$5.00 dollar filing fee, or submitting application to proceed 'IN FORMA PAUPERIS', the Petitioner instead filed 'Motion For An Extension Of Time' to gather additional information to file an amended federal habeas petition, including Petitioner on August 14Th,2017, in spite of the fact no FINAL JUDGEMENT order had been entered, Bisor nonetheless filed 'Motion For Leave To Appeal' in forma pauperis[~~SEE:~~ DOCKET ENTRY# 5].

The U.S. District Court Judge [The Honorable Nancy F. Atlas], on August 22nd,2017, granted Bisor's Motion For An Extension Of Time[SEE: DOCKET ENTRY # 7].

The Respondent [Lorie Davis], was served with process on September 5Th,2017, with answer due for December 8Th,2017[SEE: DOCKET ENTRY#10]. The Petitioner true to form, filed his 'AMENDED PETITION' on August 25Th,2017[DOCKET ENTRY# 8]. Respondent through her attorney of record on December 8Th,2017, filed MOTION FOR SUMMARY JUDGEMENT with brief in support[DOCKET ENTRY# 13]; Thereafter, Petitioner, Michael Bisor, acting without the aid or assistance of counsel, or without assistance of a trained paralegal, the Petitioner on or about January 1st,2018, filed 'Second Motion Requesting An Extension Of Time'[DOCKET ENTRY# 14]. The U.S. District Court on January 17Th,2018, granted Bisor's motion for an extension of time [DOCKET ENTRY# 15]; However, for reasons 'unknownst' The U.S. District Court Judge [Nancy F. Atlas], without entering any 'FINAL JUDGEMENT' allowed Petitioner to file and give written "NOTICE OF APPEAL" with request for certificate of appealability[DOCKET ENTRY# 16]; See Also:[DOCKET ENTRY# 17,18]. The U.S. District Court on February 27Th,2018, denied Petitioner request for 'CERTIFICATE OF APPEALABILITY' and entered an ORDER staying the case until The Fifth Circuit Court Of Appeals issued 'FINAL' decision regarding Petitioner appeal and whether within thirty[30] days of The Fifth Circuit Court Of Appeals decision, whether Petitioner seeks reinstatement of his federal habeas proceedings [SEE: DOCKET ENTRY#19].

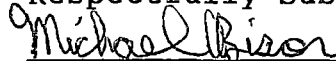
This Petitioner in spite of giving 'NOTICE OF APPEAL' nevertheless filed and gave his written responses in opposition to Respondent's 'Motion For Summary Judgement[March 3rd,2018];[SEE: DOCKET ENTRY#20]. Although the Petitioner is fully aware that The U.S. District Court judge is prohibited from giving Petitioner any legal advise or assistance; Nonetheless, Petitioner argues that his written response to Respondent motion for summary judgement, including the fact of this Petitioner family subsequently paying the requested \$5.00 dollar filing fee should had suggested and/or been construed by The U.S. District Court that Petitioner wished to continual prosecuting his habeas proceedings, and should had implied that Petitioner decision to give "NOTICE OF APPEAL" was ill-advised, or not taken in good faith because "NO" final judgement had been entered[SEE: DOCKET ENTRY# 23].

II.

CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, The Petitioner, Michael Bisor, hereby respectfully prays that The Court will grant Petitioner's OUT-OF-TIME Request For Reinstatement Of His Federal Habeas Proceeding in the interest of justice, or for whatever other reason The Court determines just and fair.

Respectfully Submitted,



MICHEAL BISOR, PETITIONER

TDCJ-ID# 1957272

ALLAN B. POLUNSKY UNIT

3872 FM 350 SOUTH

LIVINGSTON, TEXAS 77351

III.

CERTIFICATE OF SERVICE

I hereby certify that on this 90th day of SEPTEMBER 2018, that a true and correct copy of the above and foregoing instrument hereto attached has been served and mailed by U.S. POSTAL SERVICE to the following:

Jessica M. Manojlovich, Attorney
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
300 W. 15Th Street
Austin, Texas 78701

Michael Bisor
MICHEAL BISOR

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United States Court
Southern District of Texas
FILED

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USA
FOREVER

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